

REMARKS

Claims 1-40 are all the claims pending in the application.

1. Drawings

The Examiner has objected to the drawings because Fig. 11, step C1 the word “cleate” should be “create.” Applicant is submitting a replacement drawing sheet herewith that obviates the objection.

2. Claim Rejections under §103

A. Claims 1, 2, 5, 8-15, 18, 21-28, 31 and 34-40

The Examiner has rejected claims 1, 2, 5, 8-15, 18, 21-28, 31 and 34-40 under 35 U.S.C. § 103 as being unpatentable over Petersen et al. (US 5,978,375) [“Petersen”]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites a data transfer system that comprises “a packet selecting section for selecting only one or more specified packets out of a plurality of packets received in a serial manner over a serial bus, based on header information included in each of the plurality of received packets; [and] a packet creating section for collecting said one or more specified packets selected by said packet selecting section, in order of received timing, to create a transfer packet.” The Examiner contends that Petersen discloses the claimed packet selecting section in a description related to the integrity check of a received ATM cell during the disassembly process of the transferred ATM cell (col. 16, lines 14-26 and Fig. 18). The Examiner concedes that this does not disclose the location of the claimed packet selection but contends that it would have

been obvious to employ a similar selection at the sending entity at a point where the data is first received. The Examiner speculates that one skilled in the art would be motivated to do this because it would prevent corrupt data from entering the network and would free up bandwidth.

Applicant submits that, even if for the sake of argument alone, the integrity check of ATM cells corresponds to the claimed packet selection, the Examiner's speculation as to the motivation of one skilled in the art is improper because it does not provide an objective reason to combine as required by the MPEP since there is no support in the prior art for the Examiner's bald assertion. Further, the Examiner's speculation does not provide evidence in the record as required by *Zurko*. See *In re Zurko*, 59 USPQ2d 1693 (Fed Cir.2001).

In addition the disclosure in Petersen only relates to a check that the header belongs to an established ATM-connection. There is no disclosure that this check is necessarily for corrupt data as contended by the Examiner or that the disclosed "integrity check" would be adaptable for the data received by the sending entity, which may receive non-ATM data.

Therefore, for at least the above reasons, Applicant submits that the Examiner has not made a prima facie case for obviousness.

Because claims 14, 27 and 40 recite similar features, Applicant submits that these claims are patentable for at least the reasons given above.

In addition claim 40 recites that the packet selecting section selects "by comparing a channel number included in a header of each of the plurality of received packets with at least one pre-registered channel number." The Examiner does not provide any additional analysis for this feature in the rejection of claim 40 other than the "integrity check" discussed above.

Applicant submits that the description of the “integrity check” in Petersen, which relates to a check of the header for an established ATM-connection (col. 16, lines 21-26), does not disclose or even remotely suggest the claimed combination. Therefore, claim 40 is patentable for at least this additional reason.

Applicant submits that claims 2, 5, 8-13, 15, 18, 21-26, 28, 31 and 34-39 are patentable based on their respective dependencies.

In addition, claims 5, 18 and 31 depend on claims 4, 17, and 30, respectively, and claims 4, 17 and 30 were not rejected under this section. Therefore, the rejection of claims 5, 18 and 31 is improper and Applicant requests that the Examiner withdraw the rejection of these claims.

B. Claims 3, 4, 16, 17, 29 and 30

The Examiner has rejected claims 3, 4, 16, 17, 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Murakami (US 6,084,889) [“Murakami”]. For at least the following reason, Applicant traverses the rejection.

Because Murakami does not cure the deficient teachings of Petersen with respect to the claimed packet selecting section, Applicant submits that claims 3, 4, 16, 17, 29 and 30 are patentable at least by virtue of their respective dependencies.

In addition, claims 4 recites a data transfer system “wherein said packet dividing/transferring section transfers said divided packet in said serial manner based on a time information and a transmission cycle offset.” The Examiner contends that the time stamps of Murakami correspond to the claimed transmission cycle offset.

A data transfer method according to the present invention includes a step of, collecting a plurality of isochronous packets, generated during one isochronous cycle, to configure one transmitted packet, and then adding, as a header, time information indicating a generation cycle during which a series of the isochronous packets were generated, to the transmitted packet.

Subsequently, that packet is transferred via the ATM network 120 to the transmission destination bridge 40 (at a receiving end). Based on the added cycle information, the isochronous packets, included in the thus transferred packet, is transmitted via a transmission destination 1394 bus at the receiving end (see second paragraph on page 10 of the Specification).

This method has a feature that when the isochronous packets transmitted via a transmission source's 1394 bus (a transmitting end bus) are transferred to a transmission destination 1394 bus (receiving end bus), the isochronous packets sent during one cycle are collected into the packet in the order they were sent so that they can be transmitted in the same order via a transmission destination's 1394 bus (receiving end bus). This method has also another feature that, based on information of the cycle during which the isochronous packets were generated, the cycle is decided at a transmission destination (receiving end) during which the isochronous packets are to be transmitted so that a cycle-unit transmission interval employed at the transmission source (transmitting end) can be reproduced at the transmission destination (receiving end) (see last paragraph on page 10 continuing onto page 11 in the Specification).

A transmission cycle offset is defined as a difference between a cycle starting time at the transmitting end bus (time information indicating generation cycle time of isochronous packets included in the transfer packet 7) and a cycle starting time at the receiving end bus (see Fig. 2, d).

In contrast, Murakami discloses a "time stamp" which is used for synchronization between a transmitting end (side) and a receiving end (side) (see col. 4, lines 34 to col. 5, lines 34). Murakami discloses an apparatus for converting between the time division multiplexing signal and ATM cells. Thus, although ATM is asynchronous transfer mode, achieving synchronization of output signals/input signals between the transmitting side of the network and the receiving side of the network becomes an important element of this technology. Therefore, Murakami uses "time stamps" for synchronization between the transmitting end (side) and the receiving end (side), as described above.

In Murakami, all the ATM cells include a "time stamp" and are transmitted, whereas, in the present invention, time information indicating a generation cycle during which a series of the isochronous packets were generated is added to only to a part of the ATM cells.

Therefore, Applicant submits that, for at least the reasons given above, the "time stamp" of Murakami does not disclose or suggest the claimed transmission cycle offset.

Because claims 17 and 30 recites features similar to those given above with respect to claim 4, Applicant submits that these claims are patentable for reasons similar to those given above with respect to claim 4.

C. Claims 6, 7, 19, 20, 32 and 33

The Examiner has rejected claims 6, 7, 19, 20, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Laubach et al. (US 6,081,533) ["Laubach"]. For at least the following reason, Applicant traverses the rejection.

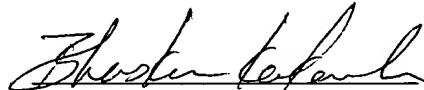
Because Laubach does not cure the deficient teachings of Petersen with respect to the claimed packet selecting section, Applicant submits that claims 6, 7, 19, 20, 32 and 33 are patentable at least by virtue of their respective dependencies.

3. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: September 2, 2004